UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,705	05/02/2001	Christopher F. Weight	MS1-907US	7940

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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 November 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 11/10/2005, to the original application

filed **5/2/2001**.

2.   Claims 1-38 pending. Claims 1, 12, 20, 25, 31, 34 are independent claims.

Claim Rejections - 35 USC § 103

3.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.

4.   **Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al.**

(hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Bernardo et al. (hereinafter

Bernardo), U.S. Patent No. 6,247,032 issued June 2001 (both references cited in a previous action).

In regard to independent claim 1, Fields teaches a host Website accepting (retrieving) new content

from a plurality of Web content provider locations, the content retrieved intended to be ultimately reformatted as

necessary and displayed on a Web page (Fields column 2 lines 36-51; compare with claim 1 "*A method*

comprising: retrieving content from a plurality of content providers, wherein the retrieved content is to be

displayed in at least one Web page;")

Fields teaches a host enacting a "filter policy" (i.e. a schema file) for a particular Web content

provider's submission format for parsing specific content (i.e. validating licensing, accepting specific ads, etc.)

(Fields column 10 lines 23-37). Fields does not specifically teach verifying via comparison of a data structure of

the retrieved content with a data structure defined in a schema file. However, Fields teaches an agreed on set of tags, said tags can be special embedded tags identifying content areas. Fields also teaches said tags can be formalized as an XML document type definition (DTD) (Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file used for defining tags, etc. (i.e. data structures) as explained above, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply said DTD as a part of Fields's filter policy for verifying the format of retrieved content, providing the benefit of a well formed and concise final document (compare with claim 1 *"verifying the format of the retrieved content...in a schema file"*).

Fields teaches rejecting content if content portions do not match the specific policy for a provider's content format (i.e. if said police dictates a publishers ads are not to be passed through, said ad content is deemed invalid, and is rejected, or at the very least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare with claim 1 *"rejecting particular content if the particular content format is not valid:"*).

Fields teaches if a host Web site deems content is valid via adherence to its specific policy, said content is reformatted and displayed in a Web site accordingly (Fields column 8 lines 45-55; compare with claim 1 *"scheduling the particular content....displayed by a Web server."*). Fields does not specifically teach scheduling publishing at a scheduled time. However, Bernardo teaches a Web site page content approval process, whereby said pages are sent to a designated user for approval pending publication, said approval subject to time limits (i.e. a timeslice comprising a beginning and end times) (Bernardo Abstract, column 10 lines 54-58, column 11 lines 1-5; compare with claim 1 *"scheduling"*, and *"at a scheduled time"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the specific scheduled time intervals pending publication of content to Fields, providing Fields the benefit of time scheduling for publishing contents, so as to make sure all required approval checks are made.

In regard to dependent claim 2, Fields does not specifically teach a test page, then a live Web page. However, Bernardo teaches an approval process, whereby a user approves content (offline). When said content is approved, then it is ultimately published (Bernardo Figure 3 items 20, 22, 30, 24). It would have been obvious

to one of ordinary skill in the art at the time of the invention to apply Bernardo to Fields, providing Fields the

benefit of offline testing, so as to flag objectionable and/or invalid content.

In regard to dependent claims 3, 4, Fields teaches automatically updating content on a Web page,

which involves replacing (deleting the old content) with new content (Fields column 2 lines 52-54).

In regard to dependent claims 5, 6,.7, 8, Fields teaches XML (Fields column 7 lines 57-62, column 12

lines 4-9).

Fields does not specifically teach a database for storing content. However, this limitation would have

been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter

database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used

in the content analysis, providing the benefit of an orderly arrangement of searchable content.

Claim 7 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the

same rationale.

In regard to dependent claims 9, 10, 11, claims 9-11 incorporate substantially similar subject matter as

claimed in claim 1, and in further view of the following, is rejected along the same rationale. Fields teaches a

schema and definition file in the form of a filter and filter database (Fields column 7 lines 55-65). Fields also

teaches a hard drive (Fields Figure 7 item 726).

In regard to independent claim 12, claim 12 incorporates substantially similar subject matter as

claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields does not specifically teach a database for storing content. However, this limitation would have

been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter

database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used

in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 13, 14, 15, claims 13, 14, 15 incorporate substantially similar subject

matter as claimed in claims 8, and 1, and are rejected along the same rationale.

In regard to dependent claims 16, 17, 18, 19, claims 16, 17, 18, 19 incorporate substantially similar

subject matter as claimed in claims 1, 3, 7, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 20, claim 20 incorporates substantially similar subject matter as

claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields does not specifically teach a database for storing content. However, this limitation would have

been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter

database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used

in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 21, 22, 23, 24, claims 21, 22, 23, 24 incorporate substantially similar

subject matter as claimed in claims 1, 1, 1, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 25, claim 25 reflects the apparatus comprising computer executable

instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 26, Field teaches reformatting (re-editing) retrieved content (Fields

column 8 lines 45-50).

In regard to dependent claims 27, 28, 30, claims 27, 28, 30 reflect the apparatus comprising computer executable instructions used in performing the methods as claimed in claims 2, 1, 8 respectively, and are rejected along the same rationale.

In regard to dependent claim 29, Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to independent claim 31, claim 31 reflects the system comprising computer executable instructions used in performing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 32, 33, claims 32, 33 reflect the system comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 34, claim 34 reflects the computer program product comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 35, 36, 37, 38, claims 35, 36, 37, 38 reflect the computer program product comprising computer executable instructions used in performing the methods as claimed in claims 8, 6, 1, 1 respectively, and are rejected along the same rationale.

Response to Arguments

5.   Applicant's arguments filed 11/10/2005 have been fully and carefully considered but they are not persuasive.

Applicant argues that Fields does not teach the instant claims as currently amended. It is respectfully noted that Fields teaches XML and DTDs embedded within target Web content (see Fields column 12 lines 30-43), which can also be interpreted as a form of "format". DTDs are a form of schema file, and are used for constraining documents accordingly.

Bernardo teaches a Web site page content approval process, whereby said pages are sent to a designated user for approval pending publication, said approval subject to time limits. Bernardo teaches specifying "approval intervals" (a time limit to make an approval decision – see Bernardo column 10 lines 54-57, column 11 lines 1-5). Once approval is made, the content is published, therefore (assuming approval is granted), the approved page is published at a specific time (at substantially the time at which approval is granted). At the very least, Bernardo's approval process suggests a time limit for approval, therefore allowing a reviewer to display a page. Once a decision is rendered, said page is removed from display.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth

in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this

final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be

directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be

reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather

Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application

or proceeding is assigned is 703-872-9306.

8.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

WILLIAM BASHORE
PRIMARY EXAMINER

January 20, 2006